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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,677

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Louis Robert Litwin

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EXAMINER

NGUYEN, TOAN D

ART UNIT

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2472

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,677	Applicant(s) LITWIN, LOUIS ROBERT	
	Examiner TOAN D. NGUYEN	Art Unit 2472	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/09 has been entered.

Response to Arguments

2. Applicant's arguments filed 11/05/09 have been fully considered but they are not persuasive.

The applicant argues with respect to claims 1, 7 and 13 on page 7, fourth paragraph that Gray do not involve the location of a wireless local are network WLAN, but rather involve the location of the WAN user, and the applicant further argues that the limitations recited in claims 1, 7 and 13 relate to a request for a location of a wireless local area network (WLAN), and not for the location of the WAN user as disclosed in the cited portions of Gray. The examiner disagrees. Gray clearly teaches at page 4, paragraph [0035], lines 2-4 in the passage: "WAN user 52 requesting positions and/or directions (locations mean) to one or more nearby WLAN access points 24."

The applicant argues on page 8, third paragraph that Gray discloses in paragraph [0035] that "steps 1 and 2 can alternatively involve WAN user 52 requesting the WLAN bandwidth on demand service from its WAN network provider", paragraph

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[0035] does involve a “request”, such request is clearly for a WLAN bandwidth on demand service and NOT a location of a WLAN as recited in claims 1, 7 and 13. The applicant argues further that requesting a service (as per paragraph [0035] of Gray) is not the same as requesting the location of a WLAN (as per the limitations of claims 1, 7 and 13). The examiner disagrees. In paragraph [0035], Gray clearly discloses “step 1 and 2 can alternatively involve WAN user 52 requesting positions and/or directions (location means) to one or more nearby WLAN access points 24.”

The applicant argues on page 9, sixth paragraph that claims 2-6 and 19 include all the limitation of claim 1, and are patentable distinct and non-obvious over the cite references for at least the reasons set forth above with respect to claim 1. The examiner disagrees. In response, claim 1 is rejected. Therefore, claims 2-6 and 19 are also rejected. The applicant argues further that claims 8-12, and 14-18, 20 are patentable distinct and non-obvious over the cite references for at least the reasons set forth above with respect to claim 7 and claim 13, respectively. The examiner disagrees. Independent claim 7 and 13 are rejected. Therefore, dependent claims 8-12, 14-18, and 20 are also rejected.

Claim Objections

3. Claims 1 and 7 are objected to because of the following informalities:

Claim 1, line 2, it is suggested to change “from a user” to --- from said user ---.

Similar problem exists in claim 7, line 4.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over H. Gray (US 2004/0203873) in view of Shaheen et al. (US 7,047,036).

For claims 1 and 5, H. Gray discloses method and system of informing WAN user of nearby WLAN access point, comprising:

transmitting a user request to a wireless service provider of a wireless network for a location of a wireless local area network (WLAN)(figure 5, page 4, paragraph [0035], lines 2-4); and

receiving from said wireless service provider said location of said wireless local area network (WLAN)(figure 5, reference step 6, page 4, paragraph [0039], lines 1-4).

However, H. Gray do not expressly disclose a user initiated request for a location of a wireless local area network (WLAN). In an analogous art, Shaheen et al. disclose a user initiated request for a location of a wireless local area network (WLAN)(col. 2, lines 32-35).

For claim 5, H. Gray discloses wherein said user initiated request for a location of a wireless local area network WLAN comprises requesting a location of a wireless local area network WLAN relative to a specific location (page 4, paragraph [0035], lines 2-4), and Shaheen et al. disclose said user initiated request for a location of a wireless local area network WLAN (col. 2, lines 32-35 as set forth in claim 5).

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One skilled in the art would have recognized the user initiated request for a location of a wireless local area network (WLAN), and would have applied Shaheen et al.'s initiates acquisition of the locations of the preferred WLANs in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shaheen et al.'s method and apparatus for handoff between a wireless local area network (WLAN) and a universal mobile telecommunication system (UMTS) with the motivation being to provide the locations of the preferred WLANs (col. 2, lines 34-35).

For claim 2, H. Gray discloses further comprising after said step of transmitting said wireless service provider determining a wireless service area from which said transmitting originated (page 4, paragraph [0037], lines 1-16).

For claim 3, H. Gray discloses further comprising after said step of determining said wireless service provider obtaining said location of said wireless local area network WLAN based on said wireless service area (page 4, paragraph [0038], lines 2-9).

For claim 4, H. Gray discloses wherein said wireless network is a cellular telephone network (figure 1, reference 10, page 2, paragraph [0020], line 1).

For claim 6, Hsu discloses wherein said location of said wireless local area network WLAN comprises one of a street address, a map location, longitude and latitude coordinates, and global positioning coordinates (page 5, paragraph [0043], lines 6-8).

For claims 7 and 9, H. Gray discloses method and system of informing WAN user of nearby WLAN access point, comprising:

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a wireless transceiver for transmitting and receiving communication over a wireless network (figure 6, references 183 and 186, page 4, paragraph [0041], lines 12-13); and

a controller for processing a user request from a user of the apparatus over said wireless network for a location of a wireless local area network WLAN and processing receiving over said wireless network said location of said wireless local area network WLAN (figure 6, reference 180, page 4, paragraph [0041], lines 1-6).

However, H. Gray do not expressly disclose a user initiated request from a user of the apparatus for a location of a wireless local area network (WLAN). In an analogous art, Shaheen et al. disclose a user initiated request from a user of the apparatus for a location of a wireless local area network (WLAN)(col. 2, lines 32-35).

For claim 9, H. Gray discloses wherein said controller processes said user request for said location of said wireless local area network WLAN based on a user provided location (page 4, paragraph [0040], lines 9-20), and Shaheen et al. disclose said user initiated for said location of said wireless local area network WLAN (col. 2, lines 32-35 as set forth in claim 9).

One skilled in the art would have recognized the user initiated request for a location of a wireless local area network (WLAN), and would have applied Shaheen et al.'s initiates acquisition of the locations of the preferred WLANs in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shaheen et al.'s method and apparatus for handoff between a wireless local area network (WLAN)

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and a universal mobile telecommunication system (UMTS) with the motivation being to provide the locations of the preferred WLANs (col. 2, lines 34-35).

For claim 8, H. Gray discloses further comprising wireless baseband circuitry and WLAN baseband circuitry (page 4, paragraph [0041], lines 7-26).

For claim 10, H. Gray discloses wherein said controller processes said receiving of said location of said wireless local area network WLAN by displaying said location as one of a street address, map coordinates, longitude and latitude, and global positioning coordinates (page 5, paragraph [0043], lines 2-8).

For claim 11, H. Gray discloses wherein said wireless transceiver and said controller are within a cellular communication device (page 4, paragraph [0041], lines 7-13).

For claim 12, H. Gray discloses wherein said wireless network is a cellular telephone network (figure 1, reference 10, page 2, paragraph [0020], line 1).

For claims 13 and 20, H. Gray discloses method and system of informing WAN user of nearby WLAN access point, comprising:

a wireless network for providing wireless communication services over a wireless service area (page 2, paragraph [0023]), and

a mobile device for sending a user request from said wireless service area across said wireless network for a location of a wireless local area network WLAN (figure 5, reference steps 1-3, page 4, paragraph [0035], lines 2-4), paragraph [0036], lines 2-4).

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However, H. Gray do not expressly disclose a user initiated request for a location of a wireless local area network (WLAN). In an analogous art, Shaheen et al. disclose a user initiated request for a location of a wireless local area network (WLAN)(col. 2, lines 32-35).

For claim 20, H. Gray discloses wherein the user request for the location of the wireless local area network (WLAN) is transmitted by the mobile device when the mobile device is within the wireless service area (page 4, paragraph [0035], lines 2-4), and Shaheen et al. disclose the user initiated for said location of said wireless local area network WLAN (col. 2, lines 32-35 as set forth in claim 20).

One skilled in the art would have recognized the user initiated request for a location of a wireless local area network (WLAN), and would have applied Shaheen et al.'s initiates acquisition of the locations of the preferred WLANs in H. Gray's request positions and/or direction to one or more nearby WLANs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shaheen et al.'s method and apparatus for handoff between a wireless local area network (WLAN) and a universal mobile telecommunication system (UMTS) with the motivation being to provide the locations of the preferred WLANs (col. 2, lines 34-35).

For claim 14, H. Gray discloses wherein said location of said wireless local area network WLAN is based on a location of said wireless service area (page 4, paragraph [0037], lines 1-16).

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For claim 15, H. Gray discloses wherein said location of said WLAN comprises one of a street address, map coordinates, latitude and longitude, and global positioning coordinates (page 5, paragraph [0043], lines 2-8).

For claim 16, H. Gray discloses wherein said wireless network comprises a cellular telephone network (figure 1, reference 10, page 2, paragraph [0020], line 1).

For claim 17, H. Gray discloses wherein said mobile device comprises a cellular telephone (page 4, paragraph [0040], line 17).

For claim 18, H. Gray discloses wherein said mobile device comprises processing for receiving said location of said wireless local area network WLAN (figure 5, reference step 6, page 4, paragraph [0039], lines 1-4).

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over H. Gray (US 2004/0203873) in view of Shaheen et al. (US 7,047,036) further in view of Hussa (US 2004/0156372).

For claim 19, H. Gray in view of Shaheen et al. does not expressly disclose wherein the user initiated request includes a user-selected distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network WLAN. In an analogous art, Hussa discloses wherein the request includes a user-selected distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network WLAN (page 3, paragraph [0029], lines 6-12, and paragraph [0032], lines 2-6).

One skilled in the art would have recognized the wherein the request includes a user-selected distance or distance range from a wireless service area of the wireless

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network to said location of said wireless local area network WLAN, and would have applied Hussa's selection criteria in H. Gray's WAN user 52 requesting positions and/or directions to one or more nearby WLAN access points 24. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hussa's access point service for mobile users in H. Gray's method and system of informing WAN user of nearby WLAN access point with the motivation being to provide the user request the access points within a certain distance from his or her current location (page 3, paragraph [0032], lines 2-4).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./
Examiner, Art Unit 2472

/William Trost/
Supervisory Patent Examiner, Art Unit 2472